

we occupy at present. The national Constitution had not then been formed. The different Colonies then growing into States were not yet recognized by the mother country as free. They passed treason laws, and they passed Constitutions restraining the punishment of treason, as was right. But when the National Constitution was adopted, when the National Government took cognizance of this crime, and hedged up its punishment, the thing became practically in the State Constitutions a dead letter. The law did indeed remain upon the statute book of Maryland a law against treason, but it stood there a forgotten law. There were no prosecutions under it. No attempt was made to enforce it, and so far as I know it was never adverted to until the Legislature met in this hall in 1862. Then a new treason law was passed. But practically that law has had no effect, and has accomplished nothing; but the punishment of treason is left in the hands of the National Government.

We are now framing a Constitution for the State. We are to agree that under the laws of the State no conviction shall work corruption of blood. We all agree that great as is the crime of treason, and I believe gentlemen upon all sides agree that it is the greatest of crimes, no conviction of treason shall work corruption of blood; which means nothing more or less than that it shall not deprive the heir of the right to inherit from or through his deceased ancestor who is convicted of treason. He may inherit from him. He may inherit through him. For example: suppose the day after the death of the person convicted of treason the father of the person so convicted and so deceased should die possessed of a large estate. With this enactment, with this provision, upon which we are all agreed, the children and heirs of the deceased convicted of treason could inherit from that grandfather, through the deceased convicted. To that we all agree.

Then we come to the other question: Shall it work a forfeiture of the estate of the person convicted? This is a vague term—*forfeiture of estate*. The treason law of Maryland admits no forfeiture of the estate of a person, except it be that portion of the estate which is personal property, of course, which was used as the means of committing the specific treason. The purchased arms, ammunition, anything to aid the person actually engaged in the commission of the treason, were forfeited by that law to the State, as a necessary consequence of the conviction. I apprehend that the gentleman from Prince George's, (Mr. Clarke,) or any other gentleman who advocates his amendment, does not design to take the ground that the addition of this clause would prevent the forfeiture of such property from being a complete and final forfeiture. It cannot be otherwise. If that personal property is forfeited to the State as

a part of the punishment of the crime, it is sold by the State, and the proceeds go into the State treasury, like any other fine. I suppose no person designed that the heirs, in case of the death of the person so convicted, and whose property was so forfeited, should have the right, upon his death, to reclaim from the State the proceeds of that property so forfeited.

The question is merely this: Suppose in addition to that property he had real estate which was declared forfeited as a consequence of the crime of treason. Shall that forfeiture be final and conclusive, or shall that property upon his death revert to his heirs? I profess myself utterly unable to see where the great distinction is, in this matter, between real estate and personal property. A man dies convicted of treason, with the sum of \$2,000 in real estate. Another man is convicted of precisely the same treason, and he is worth precisely the same amount in personal estate. Both have been arrested and convicted of treason. Both have been fined, as they may be at the discretion of the law. One of them has personal property, and pays his fine. The other has no personal property—but his estate can be condemned and sold to pay the fine so imposed. Shall the heirs of the man who was possessed of personal property, and who paid the fine, have no right of reclamation against the State; and shall the heirs of the other, who chanced to have his property in real estate, have the right to reclaim that property?

That is all the distinction. Gentlemen may talk as they please about the punishment of innocent children and dependent families. You cannot avoid that; for wherever there is a punishment inflicted in the very nature of a fine of any kind, those intimately connected suffer more or less with the person. Shall the suffering be made different because the property happened to be personal property, than if it happened to be real property? I do not see the force of the distinction. The fine, if there be a fine imposed, I understand should be an absolute fine. The law does not attempt to confiscate any specific property. The only punishment or forfeiture, unless in the case of munitions of war, is in the nature of a fine; and from whatever source the money is drawn that is to pay that fine, whether from personal property or real property, the hardship, if there be a hardship, is after all the same. If there be an effort to adopt legislatively here a punishment for treason against the State, of which the National Government cannot take action, because over its acts and over treason against it we can have no control, if there should be such a crime against the State, where is the hardship of punishing it?

This may give rise here, as it has in Congress during the present session, and during the last year, to a great discussion about